From:	Misty M [progressivediva7@yahoo.com]
Sent:	Thursday, June 30, 2005 12:41 PM
To:	McDannold, Bruce
Subject:	Comments for Voting Systems & Procedures Panel

To:The Honorable Bruce McPherson
 California Secretary of State
and the Voting Systems & Procedures Panel
 1500 11th Street
 Sacramento, CA 95814
ATTN: Mr. Bruce McDannold

From: Ferris Gluck
P.O. Box 5433
Santa Monica, CA 90409-5433

Re: Public Commentary for VSPP June 16th meeting

Dear Secretary McPherson:

I am writing to you as both a concerned citizen and a
member of the California Election Protection Network
to ask you to consider alternatives to the 2
UNACCEPTABLE options so far offered for voting
accessible devices for the disabled in Los Angeles
County.

A) UNACCEPTABLE VOTING MACHINES FOR DISABILITY
REQUIREMENTS:

        1)The ES&S AutoMARK VAT is an unacceptable solution
for the following reasons:

            a) according to computer expert, James Soper of
California:

" From "AUTOMARK/AIMS WITH M100/M550/M650/UNITY: Staff
Review and Analysis"
 Prepared by: Secretary of State Elections, June 9,
2005,
(http://www.ss.ca.gov/elections/voting_systems/2005_06_16_2_s.pdf)

 "24. §601: The Secretary of State shall not approve
a proposed item without a finding that the item
conforms to all applicable laws, procedures and
regulations, including the right to a secret ballot,
does not compromise the accuracy, security or
integrity of the election process, nor interferes with
the voter's ease and convenience in voting." (pg 19)

 yet...

 A] Any of the following removable devices can contain
programs or viruses that could be used to change how
the machines (mal)function. This, and the fact that we
cannot be sure of what code is in the machines in the
first place, places ES&S systems in violation of the
election code, as cited in the same document: "3.
§103 (a) (3): The system shall be safe from fraud or
manipulation." See also §104 (c)

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2. AutoMARK Information Management System (AIMS), v.
1.0 and MDB, v.1.0.40
 "the appropriate configuration is recorded onto
compact flash memory cards for insertion into AutoMARK
VATs""

            b) furthermore, several problems are expressed by
the 6/7/05 report from the Elections Systems Division
as well as the consultant's reports:
                1) the AutoMARK VAT is capable of reading votes
incorrectly
                2) Unrecognizable characters in language
translations are a problem and require the presence of
an AIMS programmer to manually change all affected
fields in the ballot.
                3) the machine can jam if too many buttons are
pressed
                4) it is difficult to remove the ballot, thus
undoing the "unassisted voting" feature it is
supposedly designed for
                5) the machine can go out of calibration
                6) The 6/7 reports states that ATS is expecting to
eliminate the problems in a later version; therefore
the machine proposed for certification may not be the
one that is purchased and could possibly contain as
yet unmentioned features that do not pass muster
                7) there is no mention of the actual cost of the
machine plus maintenance and upgrade costs and length
of use.
                8) it is entirely possible that the HAVA money will
not cover the entire cost of the machines and could,
ironically, result in the County having to cut budgets
elsewhere (possibly for other programs for the
disabled) in order to finance the ongoing costs of
purchasing, maintaining, storing these machines.

        2)The ES&S InkaVotePlus PBR is an UNACCEPTABLE
solution for the following reasons:

                a) Dr. Rebecca Mercuri states in her
12/20/04 memo to the EAC that there is a lack of
security assurances in the Voting System Standards
and as a result, certified voting systems include
unsecured wireless transceivers or modems. She also
states that the ITAs do not do comprehensive testing
that checks for security flaws.

                b) this machine prints out a ballot that appears
different than the regular ballot filled out in the
mechanical InkaVote ballot marking device. Thus, the
voter cannot be assured of a secret ballot.

                c) The California Election Code Sec. 14215 states
that "at the opening of the polls the ballot box must
be opened, exhibited to be empty, closed, and then
shall remain locked until the last ballot is cast and
the polls are closed. Since the InkaVote counts
ballots as they are cast, this is, in effect, a
violation of the code.

B) ACCEPTABLE VOTING ALTERNATIVES FOR THE DISABLED:

The following practical (both economically and

feasibly) and entirely transparent alternative NEEDDS TO BE offered before the VSPP and before the Los Angeles County Board of Supervisors:

BALLOT TEMPLATES (TACTILE BALLOTS) – are less expensive than DREs or BMD's, less complicated, and equally accessible to disabled voters . They are readily available for use in time to meet HAVA deadlines.

Section 301(a)(3) of HAVA (http://www.fec.gov/hava/law_ext.txt) requires that each polling place provide at least one voting method that allows disabled individuals to vote in privacy. Accessibility is required; DREs and BMD's are not.
 (3) Accessibility for individuals with disabilities.--The voting system shall—
          (A) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;
          (B) satisfy the requirement of subparagraph (A) through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place...

 Alternative voting systems that allow the disabled to vote unassisted are available and cost a fraction of the price of DREs and BMD's are:
  Ballot templates (tactile ballots) like those used in Europe and Rhode Island, North Carolina, and Canada (http://www.electionaccess.org/Bp/Ballot_Templates.htm)

Furthermore (from "Mythbreakers" by Ellen Theisen of VotersUnite.org) :

"Tactile Ballot Templates for the Blind and Reading Impaired "Working in partnership with local disability organizations and national election commissions, IFES has developed Ballot Templates (also known as Tactile Ballots) for use by blind and visually impaired voters. These templates help ensure that voters are able to vote independently and in secret."74 Tactile ballot templates are currently in use throughout Rhode Island, in conjunction with their optical scan systems.75 The templates are made from standard ballots. The actual ballot is placed inside the template. The voter can feel bumps on the template beside the choices, while an audio explanation of the meaning of each set of bumps assists them in completing their ballots. The cost is a minimal addition to the cost of printing ballots. While ballot templates would not provide accessibility to voters with severe manual disabilities, if used with a Braille instruction sheet, they would allow voters who are both blind and deaf to vote unassisted – an advantage neither DREs nor ballot-marking devices have. "

74 http://www.electionaccess.org/Bp/Ballot_Templates.htm
75 http://www2.corps.state.ri.us/ELECTIONS/faqs/braille_or_tactile.htm

Tactile ballot templates (see page 37) are currently
in use throughout Rhode Island, in conjunction with
their optical scan systems.90
 The cost is a minimal addition to the cost of
printing ballots and might be a reasonable solution
for small jurisdictions.

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http://www2.corps.state.ri.us/ELECTIONS/faqs/braille_or_tactile.htm

Estimated Capital Cost Comparison for Voting Systems

 The following table shows the cost for a typical
polling place, which has five voting booths. Note
that a 5-booth DRE system requires five DREs, while a
5-booth optical scan system requires only one optical
scanner plus a method of allowing disabled individuals
to vote.

System Type 5-Booth Polling Place DREs with
integrated VVPB Printer $20,000 Paperless DRE
System $17,500 Optical Scan + Ballot-Marking Device
 $10,250 Optical Scan + Tactile Ballots $6,500

In conclusion, Mr. McPherson, I urge you to refrain
from certifying systems that are not transparent, are
costly, and do not instill confidence from the voter.
The ballot template is something visceral that voters
can easily use, be assured that their ballot is cast
as desired and be proud of all at once with no unknown
variables included. Also the lack of choices of
vendors is of concern.

Thank you for your time and consideration of my
comments.

Sincerely,

Ferris Gluck

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